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July 25, 2023

Via ECF; Total Pages: 2

Hon. Valerie E. Caproni, U.S.D.J.
United States District Court
Southern District of New York
40 Foley Square New York
New York, NY 10007

Re: Mabry v. LAML, LLC d/b/a John Sullivan's Bar & Grill et al
Docket No. 1:23-cv-05468-VEC

Dear Judge Caproni:

This office represents defendants LAML, LLC, 240 BBJ Pub Inc., 505 HP LLC, Brendan Creegan, and John Creegan (hereinafter collectively "Defendants") in the above referenced matter. On July 14, 2023, Your Honor issued a Mediation Referral Order (Doc 16). Defendants respectfully submit this letter motion seeking an extension of time to complete mediation and the exchange of documents pursuant to Your Honor's Mediation Referral Order (Doc. 16) ("Order").

Pursuant to Your Honor's Order, the parties were to confer and exchange documents within four (4) weeks of the Order dated July 14, 2023, as well as complete Mediation within (60) sixty days of the entry of the Order. The order provides in pertinent part as follows:

- (1) Both parties shall produce any existing documents that describe Plaintiff's duties and responsibilities;
- (2) Both parties shall produce any existing records of wages paid to and hours worked by the Plaintiff (e.g., payroll records, time sheets, work schedules, wage statements and wage notices);
- (3) Plaintiff shall produce a spreadsheet of alleged underpayments and other damages;
- (4) Defendants shall produce any existing documents describing compensation policies

or practices;

(5) If Defendants intend to assert an inability to pay then they shall produce proof of financial condition including tax records, business records, or other documents demonstrating their financial status.

On July 25, 2023, the parties conferred with each other on the exchange of documents referred to in the Order. Defendants requested Plaintiff's counsel consent to a thirty (30) day extension for the exchange of documents so that we can have sufficient time to gather all of the relevant documents needed to effectively participate in the Mediation. Plaintiff's counsel has advised that he does not consent.

As such, Defendants respectfully submit this letter pursuant to Paragraph 2(C) of Your Honor's Individual Rules, for extension of time to: (1) complete the exchange of the documents as requested by Your Honor's Mediation Referral Order by September 11, 2023; and (2) complete mediation by October 12, 2023. This time schedule will allow the parties sufficient time to gather and exchange all relevant documents and information. It will also allow the parties time to have some direct settlement discussions after the above exchange, prior to mediation to either settle the case on their own or narrow the issues for Mediation. This proposed schedule also factors in anticipated summer schedules.

This is the first request for an extension of time to complete the exchange of all documents and to extend time to complete mediation. This extension will not affect any other scheduled dates. Thank you for your kind consideration and courtesies as to this matter.

Respectfully submitted,

Michael K. Chong

Michael K. Chong, Esq.

MKC/nh
cc: Plaintiff's counsel (via ECF)